



Report of the Head of Scrutiny and Member Development

Scrutiny Board (Children's Services)

Date: 5 March 2009

Subject: Sustainable Communities Act

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose

- 1.1 This report provides background information on the Sustainable Communities Act and its implications for Leeds.

2.0 Background

Proposals to promote sustainability

- 2.1 The Secretary of State invited local authorities to submit proposals under the Sustainable Communities Act in October 2008. The deadline for submission of proposals is **31 July 2009**. The Sustainable Communities Act provides a channel for local authorities to submit proposals to improve the sustainability of their areas, that require government action. Such action can include a change in legislation or the transfer of a function (and accompanying budget) from one organisation to another.
- 2.2 An example of a legislative change would be a request to change the Traffic Management Act 2004 so that the Council's Enforcement Officers can issue fixed penalty notices for offences like dangerous parking or causing an obstruction as well as offences like parking on double yellow lines where they already have the power to issue fixed penalty notices.
- 2.3 An example of a transfer of a function from one body to another could be a local authority taking over the running of post offices in parts of its area as Essex County Council has done. Other examples might include transferring responsibility for nature conservation and water quality from Natural England or the Environment Agency to a local authority.

- 2.4 The Act is deliberately broad in its scope and very little is ruled in or out in terms of what a local authority can propose, beyond that it must require government action and should be intended to promote sustainability and wellbeing in the area. Although sustainability is associated with the environment and green agenda, it is broader than this and measures to promote social or economic wellbeing can also be proposed under this Act.

Preparing and Considering Proposals

- 2.5 Before submitting proposals a local authority is required to establish or recognise one or more panels of representatives of local persons, consult with them and try to reach agreement with them about each proposal to be submitted. The Act does not prescribe which groups should be included in panels, how panels should be constituted or how many panels a local authority may choose to establish or recognise beyond saying that local authorities should involve groups that it considers to be 'under-represented' in civic and political activity. Guidance to the Act states that local authorities will wish to consult with parish councils in their area about proposals to be submitted.
- 2.6 Proposals may come from citizens or originate from the Council (or other body). Although the Council must consult with panels of local representatives there is no requirement for the panels to agree with the proposals to be submitted. Similarly, if the Council proposes the transfer of functions from one body to another, the Council must consult with those bodies but there is no requirement for the body whose function is being transferred from to agree to the proposal.

Submitting and Judging Proposals

- 2.7 Proposals are submitted to the Local Government Association who will act as 'Selector' and submit a shortlist of proposals to the Secretary of State who will publish her response to each proposal and work with successful authorities to develop and implement their proposals. Detailed proposals that are specific about the changes required by Government are more likely to be successful.

Local Spending Report

- 2.8 The Act also requires the Secretary of State to make arrangements to conduct a Local Spending Report. A local spending report provides information about public expenditure in relation to a particular area to help promote the sustainability of local communities by providing access to high quality information about the public funding that is spent in the area. The Department for Communities and Local Government will publish consultation on the arrangements for the local spending reports and will publish final arrangements before 23 April 2009.

3.0 Main Issues

- 3.1 The Act has generated interest among elected Members and community groups who will wish to see Leeds City Council using every opportunity to work with Government and others to improve the quality of life in its area.

- 3.2 Within Leeds there already exist extensive consultation mechanisms from Area Committees to VCFS forums and groups as well as groups covering specific sections of the population such as the BME Strategy Group. If Leeds City Council decides to submit proposals under this Act it will need to decide if its existing consultative committees, groups and forums meet the terms of the Act and what special arrangements, if any, might need to be made to consult with any 'under-represented' groups.
- 3.3 Government has indicated that joint submissions that address common issues faced by several local authorities are likely to be viewed favorably by the Selector and the Secretary of State. Leeds City Council may wish to discuss and develop proposals with other authorities in West Yorkshire or Core Cities for example and submit joint proposals to the Selector.

4.0 Recommendations

4.1 Scrutiny Board is asked to:

- note and consider this report;
- suggest any proposals to be submitted under the Sustainable Communities Act.

Background Papers

Sustainable Communities Act 2008